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H – 53

International Court of Justice

H0053 – 0001

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H0053 - 0002

Official transcript of the International Military Tribunal in the matter of: The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, against Hermann Wilhelm Goering, et al, Defendants, sitting at Nurnberg, Germany on 5 February 1946, 1000-1245, Lord Justice Lawrence presiding.

MARSHAL OF THE COURT: May it please the Court: I desire to announce that the Defendant Kaltenbrunner will be absent from this morning's session on account of illness.

M. FAURE (Counsel for France): One of the attorneys would like to address the Tribunal.

DR. LATERNSER (Counsel for the General Staff): In the name of the organization I represent, I make application that the testimony of the witness who was heard yesterday should be stricken from the record for this reason: that the witness made declarations, first, concerning the allegedly gratutitous destruction of the library in Louvain; secondly, concerning the treatment of the inhabitants of the country during the Rundstedt offensive.

THE PRESIDENT: I didn't hear that last translation. I thought I heard "he made declarations concerning the destruction of the Louvain library", and then --

THE INTERPRETER: Concerning the German treatment of the inhabitants of the country during the Rundstedt offensive.

DR. LATERNSER: He made statements regarding the treatment of the inhabitants, which led him to the conclusion that there were orders specifically requiring such treatment.

I wish that this testimony should be stricken from the record for these reasons: First, during yesterday's testimony it was not a question of testimony of witnesses. A witness should base his testimony on his own knowledge, and his declaration should be based only on his own observations. These prerequisites were not there in the testimony yesterday. The witness repeated statements based on testimony of other people, testimony regarding matters which he himself did not witness. The knowledge of this witness can, consequently,

H0053 - 0003

be based only on documents, rather than on hearsay.

Secondly, every third person is in a position to give similar testimony as soon as the documents on which it is based are put at his disposal; and, consequently, any such person, any person with whom the witness had spoken and who had given him his information, could have made such testimony.

It is consequently proved that in the case of this witness his testimony was not really eye-witness testimony, because the testimony that is given in a court should not be of such a sort that any other person could give it.

Thirdly, although the high Tribunal, in accordance with Article 19 of the Charter, is not committed to the ordinary rules of proof, the proof in the case of yesterday's witness must be rejected, because it does not have any probative value, as defined by the Court. This is to be seen in the fact that the sources of the witness' testimony cannot be judged according to their value.

I regard it as my duty to point out that the introduction of such indirect proof does not lead to the discovery of the truth.

THE PRESIDENT: The Tribunal would like to hear, Mr. Faure, what you have to say in answer to the motion which has just been made.

M. FAURE: Gentlemen, your Honors: I should like, first of all, to observe that, as the Counsel who has just spoken already indicated, the Charter of this Tribunal provides that it will not be held by formal rules of proof. But, aside from this consideration, I consider that there is no occasion to accept the objection of the counsel, this objection being founded on three considerations which he has enumerated, but which, as I understand what he has said, come down to a single objection, namely, that this witness was an indirect witness.

I would like to specify that I called Mr. Van Der Essen as a witness particularly in his quality as a member of the Belgian Inquiry Commission, which is official and governmental, on the study and the research of war crimes. It is in conformity with all legal procedure which I personally know that a person who has made inquiries on criminal matters may be called before a court of justice to state the conditions under which this inquiry was made and the results which it produced. It is therefore not necessary that the witness who comes to testify on an investigation should have been himself a direct witness

H0053-0004

of the criminal activities which this investigation is intended to bring to light. Mr. Van Der Essen, therefore, in my opinion, testified as to facts and acts which he knows personally, namely, as concerns the matters of Stavelot. He stated that he himself had heard witnesses and that he verified that these testimonies were authentic.

As concerns the matter of the library of Louvain, he testified as to the records which exist of the commission of which he is a regular member.

I add that this procedure appears to me to have the advantage of avoiding the calling to the witness stand of a considerable number of individual witnesses. However, in order that all guarantees may be given as concerns the demonstration of facts which are called before the Tribunal, I have decided to bring here the briefs, the dossiers, the texts of testimony to which the witness referred. I shall then be able to communicate to the Defense the affidavits of the witnesses who were mentioned yesterday, and I think that this will give the defense ample guarantee.

I therefore propose to the Tribunal to reject the objection as concerns the acceptability of the testimony, it being understood that the Defense will discuss as it sees fit the value and the probative force of this testimony.

THE PRESIDENT: Mr. Faure, you said something about the affidavits of witnesses which you would furnish to the Defendants Counsel. I understand that you intended also to put in the governmental report or the committee's report with reference to which the witness had testified, did you not?

M. FAURE: Yes, sir.

THE PRESIDENT: As a matter of courtesy, to furnish the affidavits which were before that Committee to the Defendants Counsel; is that what you meant?

M. FAURE: Yes, if this meets with the approval of the Tribunal.

THE PRESIDENT: The governmental report, I suppose, does not actually annex the affidavits, does it?

M. FAURE: Yes, Mr. President.

THE PRESIDENT: It does? The affidavits are part of the report, are they?

M. FAURE: The report which was submitted does not contain the elements which the witness brought out yesterday in certain respects, particularly because the investigation on Stavelot was very long and very conscientous.

H0053 - 0005

and was not summarized in time. I said, therefore, that I proposed to submit as evidence and thus to communicate to the Defense this complementary element.

THE PRESIDENT: That is what I thought; that is to say, the report did not contain all the details which were in the affidavits or evidence?

M. FAURE: No.

THE PRESIDENT: Therefore, you thought it right, as a matter of courtesy, to allow the Defendants to see those details upon which the report proceeded. The Tribunal understands that.

The Tribunal will consider the motion which has been made. We will consider the motion which has been made at a later stage. You can now proceed with your argument.

M. FAURE: Your Honors, I should like, first of all, to point out to the Tribunal that since a certain amount of time has been given to witnesses and discussions, and as I wish not to exceed

H0053 - 0006

the time limit which was announced, I find myself obliged to shorten to a considerable degree the presentation of the brief which I am presenting on the subject of propaganda. I shall therefore ask the Tribunal kindly to excuse me if there are some hesitations in this presentation, inasmuch as I shall not follow exactly my brief.

I pointed out yesterday the method which the Germans employed as concerns the right of assemblage or of association, which was eliminated or suppressed or was maintained and exploited to their own advantage. I should like now to say something about books and publishings.

The German authorities, first of all, issued an ordinance of the 30th of August 1940, published in the Official Journal of 5 September, to forbid certain class or shcool books in France. We have already seen that they had proceeded in the same fashion in Belgium. Another initiative of the Germans was that of forbidding a certain number of books which did not please them. I present in this connection document 1103, which is the "Otto" list. This list, which was published in September, 1940, is a list of 1175 volumes which were forbidden by the Germans. Naturally, I shall not read it to the Tribunal. It appears in the document book under No. 1103, as I have just said.

A second "Otto" list, longer than the first, was published subsequently on 8 July 1942, and I present it under No. 1104. The conclusion of this second document, which is the last page in my document book, indicates clearly to what principle the German authorities appealed. I read a few lines:

"In principle, all translations from English, except works of the English classics, are withdrawn from sale; and, further, all books by Jewish authors, as well as books in which Jews have collaborated, are to be withdrawn from sale, with the exception of works of a scientific nature, in connection with which special measures are anticipated. From now on, biographies, even written by French aryans, dealing with the Jews, as, for instance, biographies relative to the Jewish musicians Offenback, Mayerberg, etc., are to be withdrawn from circulation."

This method of procedure perhaps appeared rather harmless at the beginning, since only about 1200 volumes were involved, but one can see

H0053-0007

how important the principle itself is. On the other hand, by this procedure the German authorities achieved a practical result which they were seeking, which was essentially, aside fromother prohibitions, not causing completely the dispersal of serious and objective works, making possible the study of German doctrines, the policy of Germany, and the philosophy of Nazism.

Aside from the prohibition of works already existing, the Germans naturally instituted a censorship. They first of all proceeded in a rather disguised manner by having a kind of agreement with publishers in which they charged the publishers themselves with pointing out which were the books on their lists which appeared to them to be subject to censorship. I submit this convention on censorship under document No. 1105, and I wish, without reading it, to make a single observation in this regard which is very revealing of the constant German method.

In the printed brochure of this convention, which is submitted in the original, there appears, aside from the convention itself, a notice drafted in terms which do not correspond to French feeling. This notice was not drafted by the publishers upon whom the convention itself was imposed, but this notice, drafted by the Germans, was published in the same brochure, which bears the indication "National Syndicate of Publishers", so that one might have thought that the French publishers accepted the phrases that were written in this preamble. It is sufficient, for that matter, for an attentive person to observe that this brochure does not bear any indication of a printer and to know and to realize that this is a German publication and not a publication of the French publishers, for only the Germans were free of the French legal rule requiring the mention of the name of the printer.

The Germans did not limit themselves to this procedure, apparently somewhat liberal, and later an ordinance of 27 April 1942 was published in the Official Journal of May 13, an ordinance entitled "Concerning the Rational Use of Printing Paper." This ordinance decided, under the pretext of the rational utilization of paper, that all publications, without exception, should bear the German authorization number.

H0053 - 0008

I point out in addition that, in order to smother French publishing, the Germans had a very effective weapon, which was their control over paper. I submit as document No. 1106 the affidavit of M. Marcel Rives, Director of Internal Commerce at the Ministry of Industrial Production. I shall not read this document, to shorten the proceedings. I summarize that this document demonstrates that the whole distribution of paper available was made under the authority of the Germans, and that the Germans reduced the amount of paper that was made available to publishers to a proportion of reduction of any other contingent of paper with relation to the situation before the war. I must add that out of this very reduced amount of paper which the French had at their disposal, the Germans furthermore took a certain amount for their own propaganda publications. Thus, for their propaganda, not only did they utilize the paper which they had in Germany, but they took part of the small amount of paper which they allowed to French publishers. I should like simply to read in this connection a few lines of a document which constitutes Appendix 2 of document 1106, which I have just submitted. I simply read a few lines in this Appendix 2, which is a letter fromthe German Military command of the 28th of June, 1943, to the Ministry of National Economy.

"Notably, in the course of the month of March, which you particularly mention, it has been impossible to grant the publishers any quantity out of the current production, inasmuch as this was needed for important purposes of propaganda."

The other aspect of this German activity in the publishing field was, in fact, an intensive propaganda by means of all kinds of pamphlets andpublications of all sorts. This propaganda literature is extremely far-fetched. I should like to mention a single detail, which is indicative of the constant method of camouflage of the Germans. I have here, and I shall naturally submit them without reading them, under No. 1006b, a few pamphlets of German propaganda, the first of which constitutes a part of a collection entitled "England without a Mask", or "England Unmasked." Thefirst numbers of this collection, taken at random, indicate on the left page, "Office of German Information, England Without a Mask, No. etc." There is here then no kind of attempt to conceal. The reader knows what he has before him, but

H0053 - 0009

by a curious hazard, No. 11 of the same collection no longer bears the mention "German Office of Information", and we see instead of this, "International Publishing House, Brussels."

On this point, however, we are again advised of the origin, for the author's name is Reinhard Wolf, and this is a German name.

But here, by way of a last example, is a pamphlet entitled "The Pact Against Europe", and which is also published by the International Publishing House, Brussels. We know from the other examples that this publishing house is but a firm of the German bureau, but the people who are not informed may believe that this is a French or Belgian publication, for here the name of the author is Jean Dubreuil.

I shall not insist further on publishing, and I sh uld like now to say a few words about the press.

It is a matter of common knowledge that all the newspapers of the occupied countries were under the control of the Germans, and that most of them had been set up at the instigation of the Germans by persons who were in their pay. As these facts are well known, I shall abstain from submitting documents on this point, and I shall limit myself to the following indications: First, restrictive measures -- censorship. Although all these newspapers were practically their own papers, the Nazis nevertheless submitted them to a very severe censorship. I shall submit as evidence on this point document 1108, which is the account of a press conference of 8 January 1943, in the course of which are defined the new orders and the new regime of censorship.

I point out to the Tribunal that this document and a few others of the same nature were found in the archives of the French Office of Information, which was under German control, and they are submitted. They have been deposited either in the Bibliothece National in Paris or in the Documentation Library of the War Museum, and these documents have been selected by us either in the form of copies, photocopies, or original documents of the French collection.

H0053 - 0010

I should like simply to point out, with this Document 1108, that for the Germans the problem was to set up a more liberal regime of censorship. If one reads the document one sees, nevertheless, thet almost all news and articles are submitted to censorship, with the exception of serial novels, criticisms of films and plays, scientific or university news, radio programs on a certain number of subjects completely secondary.

The second aspect of the German interference, the positive aspect, was constituted by the directives given to the press, and these directives were given through press conferences such as that of which I have just spoken.

I shall submit tothe Tribunal, without reading them, a certain number of documents numbered 1109 to 1118. These documents I produce in evidence not because of their content -- which is a far-fetched repetition of German propaganda -- but as proof of the continual guidance and pressure on the press. I should like to indicate also how these things were carried on.

The conferences were held either in the Propaganda Staffel, Avenue Champs Elysees, or at the German Embassy. The representatives of the press were gathered by the competent Nazi officials, who gave them directives. After the conference, the extracts of these directives were established in the form of a dispatch from the French Office of Information. The Tribunal knows that agencies sent to the papers dispatches which served as a basis for the information of the latter. Once a dispatch was established, it was submitted to the control of the German Bureau, which affixed to the dispatch a seal, and at that point it could be distributed to the papers.

I have indicated that I would not make any readings of the minutes of these conferences, which are dealt with in Documents 1109 to 1120. I should like only to read a very brief document, which I submit under the number 1121, which is the minutes of a press conference of 16 April 1943 at the Propaganda Abteilung. I quote:

"At the end of the conference the German commentator declare that on the occasion of the Fuehrer's birthday the newspapers would appear on Tuesday, the 20th of April, in four pages instead of 2, and on Wednesday, the 21st of April, in two pages instead of four. He asked the reporters

H0053 - 0011

present to stress the European aspects of the Fuehrer's political personality and to treat Franco-German relations very broadly. 'It is necessary, however, to act in this respect with a great deal of tact and reserve in order not to give the newspapers an aspect which, no longer being French, would risk shocking public opinion.'"

I am not forgetting that we are here at a criminal trial and that it is necessary to stress, from the sometimes very varied facts which we are forced to present, that which, in these facts and accounts, characterizes the intention and the realization of an act condemned by penal law. From this point of view I quote, and I produce, Document 1124, which is an attempt to favor, by the press and by propaganda, the military recruiting of Frenchmen in the enemy army, a crime which is covered by Article 65 of the French Penal Code. And I recall that in juridical doctrine such crimes can be prosecuted even against enemy nationals. I read this document, which is brief:

"At the end of the military conference, Dr. Eich pointed out that the O.F.I. would broadcast this afternoon an article devoted to the necessity of participation of French sailors in the Kriegsmarine. He begged the newspapers to add to this text commentaries developing, for instance, the following theme: 'To be a sailor is to learn a trade.'

"The article broadcast by the O.F.I. is to be published tomorrow, a four-page day, on the first page, or at least begun on the first page."

Finally, I must point out that aside from the press conferences, properly speaking, there were so-called culture conferences in which the German authorities gave their orders on all subjects. I should like to read a few very brief extracts from one of these culture conferences in order to characterize the general pressure which resulted from the interference of the Germans in all domains without any exception. I present these documents under numbers 1125 and 1126, and I read two sentences on page 1 of the document 1125, which is an account of the minutes of the conference of the 22nd of April:

"Reproductions of paintings by Picasso have recently been made in spite of contrary directives which had been given in this respect previously.

H0053-0012

"Theatre: Certain press organs have seen fit to devote to the operetta Don Phillipe articles in which the excessive praise turned out to be belied by the reception given to this work by the greater public. This goes beyond the limit."

I read from page 2:

"The press has made an obviously exaggerated praise of jazz concerts, particularly that of Fred Jumbo. This shows a lack of subtlety which is all the more regrettable, as a very small place has generally been given to concerts of real value."

Finally, at the end of this document, there is a general note which is interesting:

"The nationality of scientific, artistic, and other personalities quoted in these press articles is to be indicated as being that of the Greater German Reich for all countries in which these persons are born, and to have been attached or brought to the Greater German Reich or have been incorporated into it."

We thus see that even in subjects which might seem to us most fanciful, one can find the evidence of the will to Germanize, and of the criminal will to strip men of the nationality to which they have the right.

I shall now say a few words about the motion picture industry. One may do injustice to the Germans, but they have never failed to understand the exceptional importance of the motion picture as a means of propaganda. In France they devoted to this subject seven ordinances or decrees.

It must be observed that, in the first place, the Germans forbade the presentation of films--

THE PRESIDENT: M. Faure, don't think that evidence that the Germans used the cinema as a method of propaganda is really somewhat cumulative? You have shown already that they forbade a great number of books which they considered hostile to their ideas, and that they controlled the press, and isn't it almost cumulative and a matter of detail that they also controlled the cinema?

Unless there is some evidence on behalf of the defendants contradicting

H0053 - 0013

the evidence which you have given, I think the Tribunal will be satisfied that the Germans did adopt all these methods of propaganda.

M. FAURE: The impression which a brief presents at the moment when one introduces it leads, indeed, to observing that there sometimes exist arguments which are cumulative, whereas in the work of preparation that had not appeared so clearly.

H0053 - 0014

I shall not speak, then, of this chapter concerning the cinema. I wish simply to point this out to the Tribunal. We have thought that on these questions of propaganda, which we are expounding in an abstract manner, it would, perhaps, be well to recall in a concrete manner a few of the figures of German propaganda. To this effect we propose, with the permission of the Tribunal, to present presently, in a very brief manner, the projection of a few of the themes of German propaganda. I wish to point out that themes are taken from posters which we have found but which we intend to present in image form, of one minute each. They were taken from a German propaganda film which was produced in France by a Frenchman, but at the instigation and with the financial support of the German offices.

Inasmuch as we are to present this picture presently, with the permissio of the Tribunal, it appears to me indispensable to present, merely as a document, Document No. 1141. This document, which is the interrogation of the producer of the film, establishes the proof that this film was produced on the order of the Germans and that it was paid for by them. I therefore present in evidence this Document No. 1141, which is necessary by reason of the presentation which we are about to make.

Since it appears to me that the demonstration of the prosecution is sufficiently far along as concerns the various means of propaganda, I shall apply the same line of reasoning to the part which had been anticipated for broadcasting. I should like simply, for this part, to present a document which exceeds the question of simple propaganda. This is Document No. 1146.

I must point out, first of all, that in the matter of radio the Germans obviously encountered an obstacle which they had not found to the same degree in the other fields, and this obstacle was the broadcasts of the free radios. As the Belgian witness said yesterday, the inhabitants of the occupied countries followed these broadcasts with great interest. The German Command then thought up the idea of penalizing the persons who listened to these broadcasts.

In the document which I shall quote, the military command went to the extent, in a very urgent manner, of asking the French authorities to

H0053 - 0015

institute very severe penalties, going even to the death penalty, for persons repeating news of the foreign radio. I think it is therefore interesting for me to deposit, as evidence, this document which emanates from the military command, signed "Stuelpnagel", which demonstrates the criminal intentions of the German General Staff.

I should like to read this document 1146, beginning at page 1. I read from the middle of the second paragraph, or the beginning of the third paragraph:

"The French law of 28 October 1941 does not provide special sanctions for the broadcasts of news from foreign radios capable of disturbing the public security or welfare, although this infraction constitutes a particularly grave danger. It is indispensable that the broadcasting of such news be punished by hard labor and even by the death penalty, in particularly serious pases, without taking account of the fact that the person who broadcasts such news may have heard it by a direct communication or in any other way.

"The possibility ofmaking such an offense legally subject to such heavy sanctions does not suffice to make the population abstain from listening to the British radio and to spread the news heard, inasmuch as the law which regulates the functions of the tribunals of the state does not mention the offense of listening to foreign radios, and thus the connection between the fact of listening to andspreading this news, and the sanctions of forced labor and the death penalty, has not been established. The population, therefore, has not yet been able to realize that such an offense is susceptible of entailing forced labor and death.

"Consequently, I ask that within a period of time, which will expire on the 3rd of January, 1942, a draft law modifying the law of 28 October 1941 be submitted to me.

"I add as an appendix the text of the German decree which regulates themeasures of exceptions concerning radio broadcasting, and which will inform you of the details of this regulation."

H0053 - 0016

I shall now submit a document bearing the number 1147. I think this document may interest the Tribunal. It presents a quite different character from that of the documents which I have produced up to now. This document includes, first of all, a letter from Berlin of 27 October 1941, the subject of which is an agreement relative to collaboration with the Ministry of Foreign Affairs. I read this letter, which is very brief, and which authenticates our document:

"With the authorization of the Minister, we send you herewith for your information, as a secret matter of the Reich, a copy of the agreement relative to the collaboration with the Ministry of Foreign Affairs, as well as a copy of the executed agreement. One may speak of this agreement, but not of the details which it contains."

The document which is joined to this, and the entire text, is the full text, which I shall not read, of the agreement made between the Ministry of Foreign Affairs and the Ministry of the Reich for Information and Propaganda relative to a collaboration between their respective services or offices. I think this document presents great interest, and that is why I submit it. I shall simply point out to the Tribunal that it demonstrates at once the whole extent and the whole character of organization, of the general encroachment which the Germans wished to assure themselves of over the spirit of the persons dwelling in the occupied countries, or even in the foreign countries.

Chapter I of this document is entitled, "Collaboration by Branches." Sub letter "A" concerns the cinema, the theater, music, and exhibits. Letter "B" concerns publications. I think it might be interesting for me to read the first few lines of this letter "B", for, as I have explained to you, the propaganda, from the point of view of the people who received it — that is, it is interesting to realize the question from the point of view of the persons who presented or who issued this propaganda. And, on the other hand, one must not lose the occasion to observe the extraordinary variety and skill of the German methods.

This quotation is very brief:

H0053 - 0017

"The Ministry of Foreign Affairs and the Ministry of the Reich for Information and Propaganda maintain a common and equal share in a society designated as Mundus A.G., within which will be grouped the publishing houses situated in Germany and abroad, and which are controlled by these two ministries. These firms will serve to publish literary works for foreign distribution and for distribution abroad. In this society will also be included

H0053 - 0018

all functions or future participations of the two ministries in this realm."

On page 3, the fourth paragraph, I should like also to read a sentence:

"The two ministries take part reciprocally in the establishment of the plan of propaganda publications edited within by them or upon their initiative, but for foreign consumption."

Finally, on page 4, I shall read a sentence in the next to the last paragraph, and I quote:

"In order to group, in a single organization, foreign broadcasting stations belonging openly to Germans, the Ministry of Foreign Affairs and the Ministry for Information and Propaganda will exploit in common, with a 50 percent participation for each of them, the covering society Interradio A.G., whose set is in Berlin".

The Tribunal has noticed the phrase "belonging openly to Germans."

This will be complted by a last quotation of a sentence on page five, at the beginning of the second paragraph:

"For political reasons the semi-official activity, secretly carried on over the foreign broadcasting stations, is to have no relation with the avowed covering society."

I should like, in concluding this brief on propaganda, to present Document 1148, which is a message circulated to all the German propaganda officers.

I think a very brief quotation from this document will be interesting in defining the very general use of propaganda as a means of indicating the most serious enterprise of extermination of nationality and of existence of a country. In this case what is involved is the Czech culture and tradition, and I quote from paragraph 4:

"In a positive manner the belonging of Czechs to the German European cultural space must always be set forth prominently. It is proper to insist, on all occasions, on the strong influence which German culture has exercised over Czech culture, even to insist on the dependence in which the latter was in relation to the former; and notably, also, to insist upon the German cultural achievements in Bohemia and Moravia and their affect on the cultural activity of the Czechs.

H0053 - 0019

"It is also desirable to take account of the fact that the Czechs speak a Slav language, but having lived for centuries with German peoples possessing a superior culture in empires of German predominance, they really belong to the German cultural environment and have almost nothing in common with other peoples of Slav language.

"From the historic point of view, there is always occasion to bring out the epochs in the course of which and the personalities with whom the Czechs sought and found contact with German culture: St. Wenzel, which was the perio of Charles IV and Ferdinand I, of Rudolf II, of Baroque de Boheme, etc."

I finally submit, without reading it, Document 1149. I wanted to place this document in my list of documents for it constitutes a report of a year on the propaganda activity in one of the occupied countries, which is, in fact, Norway. I have spoken at great length of this county, and that is why I do not wish now to quote the text of this document, but I do wish to mention that the German propaganda was regularly reported on, and in these reports all subjects were treated: Press, cinema, radio, culture, theater, schools, education. This German propaganda is, therefore, as I indicated at the beginning, something much more extensive than what we understood was included previously in this word. No realm of our life is foreign to it; it respects none of the things that are precious to us; it can become a real penitentiary for the spirit, for even ideas become captives.

If the Tribunal please, may I suggest that the session be suspended now, so that after this presentation, which I have now concluded, the films may be projected?

These films have no other aim than to bring before the Tribunal one of the most odious and constant displeasures of the life that we led in the occupied countries when we were obliged to see constantly before us, in walking about the streets, for instance, the frightful, stupid, images of German propaganda.

THE PRESIDENT: The Court will adjourn for 15 minutes.

(A recess was taken from 1120 to 1155 hours).

THE PRESIDENT: With reference to the motion which was made before the

H0053 - 0020

adjournment by counsel for the General Staff, the opinion of the Tribunal is this.

In the first place the Tribunal is not confined to direct evidence from eye-witnesses because Article 19 provides that the Tribunal shall admit any evidence which it deems to have probative value.

Secondly, there is nothing in Article 21 which makes it improper to call the member of a governmental committee as a witness to give evidence with reference to the governmental committee's report. But the Tribunal considers that if such a witness is called the governmental committee's report must be put in evidence, as a matter of fact, the counsel for the Prosecution have offered to put the committee's report in evidence in this case and not only to do that but also to make available to counsel for Defense the affidavits of witnesses upon which that report proceeded.

Thirdly, there were other matters upon which the witness, Mr. Van der Essen, gave evidence which were altogether outside the report or so it appeared to the Tribunal.

As to the weight which is to be attached to the witness' evidence, that, of course, is a matter which will have to be considered by the Tribunal. It is open to the Defense to give evidence in answer to the evidence of Mr. Van - der Essen and also to comment or criticize that evidence and so far as his evidence consisted of his own conclusions drawn from facts which he had seen or evidence which he had heard, the correctness of those conclusions will be considered by the Tribunal, conclusions being matters for the final decision of the Tribunal.

For these reasons the motion of counsel is denied.

It is suggested to me that I did not in that statement say that the report was to be filed in evidence. I intended to say that. I thought that I said so. The report must be filed in evidence and the affidavits, as they are to be made available to the defendants' counselwill, of course, also be made available to the Tribunal.

M. FAURE: If it please the Tribunal, M. Fuster is going to present the films of which I spoke just now.

M. FUSTER: I am to show you a few bits of German propaganda in the occupied countries. In these occupied countries, during the whole occupation, the inhabitants saw the walls of the houses covered with all sorts of posters, varied in color and in their text. In all these countries, there was very little paper, but there was paper for propaganda. This propaganda was exercised without any limitation, not seeming to aim at probability. If the Nazis thought any campaign whatsoever might produce an effect, no matter how small, they then initiated this campaign.

Thus, we saw in France the names of the most famous names of history, men whom they made proclaim slogans against the enemies of Germany. We saw the name of Clemencau, the name of Montescou, and the names of many others, who were made to utter words favorable to the Nazis by taking from their works sentences which were isolated.

But the German propaganda was not satisfied to adulterate the genius of the great lights of history and of our people. They also tried to pervert, to change the form of the most sacred sentiments. We saw in France posters which favored work in Germany. A mother was made to say to her children, "How happy one is since Father has gone to work in Germany." Thus, the feeling for family served the Nazis' ends.

The German propaganda also was applied to strike at the feeling of national patriotism. We saw in all countries posters which asked young men to serve in the German forces. M. Faure said yesterday how many unfortunate criminal wretches there were who served in these Nazi forces, who, though guilty, were victims of the Nazis, and thus, the German propaganda, having struck at the genius of the people and at the most intimate feelings of a people, constituted truly a crime against the spirit, the mind, a crime against the spirit which, according to the quotation which grounded the presentation of M. Dubost, we must not pardon.

Certainly, publicity is permitted, but publicity must have limits. It must respect the rights of free men, of humankind, laws and ethics. There exist in all countries guarantees for the protection of the individual. There are laws against libel, against insult.

H0053 - 0021

H0053 - 0022

On the contrary, in international matters, the German propaganda could extend without any limit, without any restrictions, without any penalties, at least until the day when this Tribunal was formed, which is now here for that purpose. That is why it seemed to us our duty to submit to this Tribunal a few of these posters and these propaganda bits.

We did not choose the best known, but rather, those which were most original, which were most characteristic and which characterized in some way the points of this propaganda.

First of all, we are going to show a very small film, out from a very special sort of film, which was directed against Freemasonry, which was opposed by the Germans, as has been explained during the French presentation. The film in itself is of no interest, but it contains pictures which illustrate the course campaign of lies which the Germans indulged in in France.

Since it is a very short film, and since it will appear before you very rapidly--we can not slow it down because of technical difficulties--before the showing, I would like to draw attention to two kinds of pictures which will follow, without transition.

In the first place, a map is going to appear, a map of the world. This map will be rapidly covered over by a color indicating the influence of the Jews and the Masons, except for two victorious islands, the Nazi European bloc, on the one hand, and on the other hand, Japan.

We show this picture to show to what degree of course simplification the Nazi propaganda came to and how it submitted to the people the most simplifying formulas and the most erroneous formulas.

A still more odious form of calumny follows. It is the picture of President Roosevelt, presented under the title, "Brother Roosevelt wants war."

That is all that we have cut from the film. It will now be shown.

(Whereupon the aforementioned motion picture film was presented on the screen in the Courtroom.)

M. FUSTER: (Indicating) It is taken from the film "Force Occult". Here is the map of the world, with the zones of influence: the Soviet zone of influence, the British, the American zones of influence.

H0053 - 0023

THE PRESIDENT: Is it necessary to have the accompaniment of music?

M. FUSTER: I am sorry.

THE PRESIDENT: It can't be helped? Very well.

M. FUSTER: I ask the Tribunal's pardon, but it is impossible to eliminate the sounf from this film.

The rapidity of the film shows that we first had to give a few of the details of the pictures which passed before the Tribunal. I think, however, that the Tribunal will appreciate them.

Now, we are going to show a few posters, a few photographs of posters. We are going to show them one by one, giving to each one the commentary which it deserves. These films can be slowed down.

I would like to p oint out to the Tribunal that the film which is presented to it is submitted under the Number 1152, in evidence, and also the Number 1152-B, the scenario of another propaganda film entitled, "The French Workman in Germany," which is taken from the dossier of the proceedings against M. Musard.

It will point out in what the German propaganda consisted which was carried out by this means.

The photographs of posters which we are going to show now are submitted under Number 1153.

Before showing these films, we must give some information concerning the way in which the poster propaganda was organized. It was organised with much care. We submit in relation to this a pamphlet which contains all the information of cutting and reveals a true administration and projects which had been thought over for a long time. This is document 1150. We shall not read it, since it is a publication, but we will summarize the most important information that it contains.

The Tribunal will see that all details are provided for, with the greatest minuteness--the placing of the billboards and so forth. All these posters were issued by the central bureau in Berlin, D.P.A. Under their first form, it only included pictures. The wording or mottoes were added subsequently in the country to which they were addressed. These titles were to be written in the language of this country and adapted to the local

H0053 - 0024

situations. Very often the Germans abstained from indicating their official German origin. They utilized, for instance, the wording, "Printed in France."

In the interest of this technical information, this mention "Printed in France," does not mean anything because it

H0053 - 0025

was never put on posters which were truly French posters. On French posters, one finds only the name of the printer. On the contrary, we don't find that upon German posters, but the Germans could undoubtedly by this wording, "Printed in France" make the French believe that the propaganda offered to them was not directly of enemy origin.

Here is something which is extremely curious and extremely revealing. As we have said, publicity has been practised for a long time, but Nazi Germany made of propaganda a public institution and applied it upon the international plane in the most reprehensible manner. Here are a few stages of this poster propaganda which we are now going to show to the Tribunal.

(Whereupon a series of pictures was projected by means of lantern slides on the screen in the courtroom.)

M. FUSTER: There is not much proper light in the apparatus. Here is the first poster (indicating). I am obliged to relate it because we see it rather badly. The text seems to indicate the noble attitude of the victor as far as the French victims of war are concerned. It is thus expressed; "Abandoned populations: Have confidence in the German soldier," and we see a soldier of Germany who has in his arms little French children.

At the same time that the Germans tried to gain the confidence of the French populace, here on the second poster which we submit and which was posted in Germany it said to the Germans concerning French prisoners of war--I read the text of this poster. "Companions: Keep your national dignity. Attitude toward Prisoners. The attention of each companion of the Party is drawn to the following points. It is unworthy to show the slightest friendship for a prisoner. It is strictly forbidden to give any food or drink to war prisoners. Your fathers, sons and daughters fight with all their strength against an enemy whose purpose is the annihilation of the German people. We have no reason to show the slightest

H0053 - 0026

friendship to such an enemy. Even when he comes to us as a prisoner, the enemy remains the enemy."

We are now going to show a series of photographs of posters which were intended to show the French who were their true enemies, but previously I should like to ask the Tribunal if they see the posters sufficiently well, considering the bad quality of the light.

THE PRESIDENT: Well, we can see clearly enough, I think.

M. FUSTER: I thank you. We shall continue.

This first photograph of the series which was to show the population who their true enemies were is entitled, "The Fairy Tales always Come out of the Same Nest." The nest in question is England. The caricature shows by means of a bird with a human head that the voice of Free France is nothing but fairy tales, symbolized by Masonic signs or in emblems of the Jewish religion. The labels which these birds have and which challenge these slogans of the English propaganda assume today a rather amusing character since we read, "The Germans Take All" and "We have the Mastery of the Seas." Of course, it concerns the Allies, and so on.

We are all of us concerned with anti-English propaganda. It is a favorite theme of German propaganda. This photo is entitled, "Thanks to the English, a Road of the Cross." It tries to prove to the French by recalling certain historical events, that the English have always been the cause of French sufferings--Joan of Arc, Napoleon, the war of 1939 and 1940, are the principles themselves which were exploited by the Nazis.

This photo represents an English hydra which encircles Africa, but the tentacles of this hydra are without pity in Germany, in Norway, and rather oddly, in Syria. The text of this portrait reads, "The Amputations of the Hydra are methodically followed."

This poster has the following wording, "The Ally of Yesterday. Before the war great promises. During the war no aid. Withdrawal, retreat of the English Expeditionary Force. After the debacle,

H0053-0027

bombardment of French cities and blockade. Let us end it."

This poster, No. 7, is still against England and made on the same model; three parts, "Yesterday, Today, Tomorrow." The Germans developed not only the theme of Anglo-Saxon avidity, which they materialized by a hydra or a bulldog; also the theme of the maritime prestige of the occupied countries.

We show concerning the subject, a photograph of French and Norwegian posters. This poster is entitled, "With this, de Gaulle, you will not catch anything, Gentlemen." The British obesity and Jewish capitalism fill a fishing boat stopped by the cannons of Dakar. The style of the wording with a gesture of a sailor of a purely German aspect! A Frenchman would have said, "With that, de Gaulle," (a fishing pole); the illusion would have been sufficiently clear.

The poster, No. 9, invites enrolment in the Kriegsmarine. "The Time has Come to Free the Seas."

Here is a Norwegian poster. "Defend Norway. Enroll in the German Navy." And the inscription could apply to all the services of the German Security Police; secondly, to all the Kommandanturs of the German Wehrmacht; in the third place to German captains of the ports and the services which were concerned with port supervision; fourth, to the commander of the SS Reserve Corps, Norwegian, Oslo, and so forth.

And another Norwegian poster, with the heading title, "All for Norway...Aid which came from England." This poster tries to prove to the civilian population that ruin, fire and devastation are the only benefits of the English alliance.

"Here is the second enemy, America"--which is the purpose of the posters we are going to show now.

"The American Press: 97% in the hands of the Jews. That permits the Germans to aim at two enemies at once." The Jews and America.

This poster has in the middle the inscription, "They Wanted War,"

H0053-0028

and the persons who are concerned are represented by six photographs, those responsible for the war. Those who are responsible are not any of the men whom you find in the prisoners dock but are six Americans, a magistrate, an official, or public men. Their names were not familiar to the French public, who had rarely seen them except for Mr. La Guardia on the screen. Those who read articles on economic science knew of Mr. Morgenthau. It was, however, difficult to persuade the French that Mr. Baruch, Frankfurter, Wise and Lehman, were the authors of the present war, of which Hitler and Goering were the victims, but, as I have said, the Nazi propaganda did not deter from any improbability.

This photo is more picturesque. It shows two sides of a banknote of one dollar and includes two lines separated by a Masonic star which has the inscription, "A dollar has no value unless signed by Morgenthau." Here are the

H0053 - 0029

texts if the inscription which shows the imagination of the Nazi creator in this matter: "The Minister of the Treasury is a Jew, Morgenthau, Jr., related to the great racketeers of international finance. All the Jewish attributes are found on this dollar; the eagle of Israel, the Triangle, the eye of Jehovah, the 13 letters of the motto, the 13 stars of the aureole, the 13 arrows, the 13 olive branches, the 13 steps of the unfinished pyramid. This money is indeed Jewish". And here is the text upon the right: "This dollar paid for the Jewish was and the only message which the Anglo Americans are able to address us. Would it be adequate to repay us for the misfortunes which come from that Jewish war? The money has no smell but the Jew does."

Mr. Churchill and Mr. Rossevelt are dividing Africa.

And now here is the anti-Semitic propaganda. We have already seen it mingled with the anti-English and anti-American propaganda. This photograph represents children of a French professional school who were taken to an anti-Jewish exposition and in the hands of whom they put anti-Jewish pamphlets.

"Here is the Jewish invasion. France is gnawed by a symbolical hydra and crossed with figures. In 1914, 200,000 Jews. In 1939, 800,000 Jews. Without speaking of those who are half Jewish."

"For the Jews the right to live. For us the right to die. "Under the recriminations against the all-over-powering Jewry, line the crosses of war victims of which the list grows daily. Propaganda seeks on the one hand to crystalize and isolate the Jewish masses, and on the other hand, to incite against it the hatred of the remainder of the population. It seeks to divide France."

Finally, here is the terrible Russian enemy. A human cattle martyrized, drags a little wagon with stones; however, a monster in uniform whips with a knout and threatens with a revolver. This picture was first to be set in the general mountage entitled "The Workers Paradise" and it gives for its reason a supplementary interest. Because of lack ot time, the poster was offered in its original state and we submit the project for this mountage, as document 1151.

This is a lovely Norwegian posture: "No" in the form of a flash of lightning strikes against the Russian hand that wishes to tear the National flag.

H0053 - 0030

"Never!" A romantic picture which makes one think of certain Russian pictures of another century. Death escorts a train of deportees, and Nazis showed what they were well acquainted with.

A final picture concerning Russia. "Here is what Bolshevism would bring to Europe." On the map are scenes of mutilation, infanticide, rape, hangings, murder. This is exactly what the Nazi movement brought to Europe.

Next. "However, this Europe should become conscious of their good fortune of being led by the Fuehrer, become conscious of his friend and of the Nazi unity, and to fight victoriously against the barbarous enemy."

And here is a photograph of a poster "A Leader and His People". Hitler is presented, endowed with all charms, sweetness, simplicity, comprehension: however, the text which cannot be read here reminds that he, Hitler, is the unknown soldier of the first war.

THE PRESIDENT: Could you let the Tribunal know how much longer you are likely to be?

M. FUSTER: About ten minutes, Mr. President.

THE PRESIDENT: Go on.

M. FUSTER: In the photograph to the left, Hitler shakes the hand of a little girl and underneath we read "The Little congratulant". This term, which is not French "gratulatrice", shows the origin of the document.

Here is a poster which was disseminated in a great deal of France. "I work in Germany for the replacement of soldiers, and for my family, and for France. Do as I do."

"1943. History Speaks. 1919, the debacle. 1943, the great unity." This poster corresponds to the inscriptions which the patriots have written on the walls in France. The German defeat was coming more rapidly and they might hope that at the end of the year 1943, like the end of the year 1918, would bring about final victory. The Nazis were not able to oppose the overwhelming communiques except by denials and posters as this one, to affirm the great unity of Europe.

Here is a poster which shows the productive and combatant force. "The best workers make the best weapons for the nest soldiers."

H0053 - 0031

Finally the propaganda comes on a plane of the conflict of doctrines, "Socialism against Bolshevism for a free Europe."

A religious doctrine. This is a Norwegian poster which makes fun of the Germano-Russian alliance. It is entitled "A Blessed Meeting." An anglican bishop provided with a phosphorous bomb, presents a cross, symbolizing Finland. This bomb is offered to the Pope Stalin, who receives it, eyes lifted to Heaven but with a machine gun in his arms.

A poster indicates "Christianity was introduced into the country of the Soviets," and the motto says "My dear brother, with these beautiful crosses we wish to strengthen your faith."

Next. Anti-Christ. "A communist is a scourge of civilization. Bolshevism against Europe. International Exposition, July 12 to 15 August, 1941." Nazis pretend to be defenders of Christianity.

And to conclude, what the defenders of Christianity did to the Church of Oradour Sur Glane.

We have now finished showing the films, but we have permitted ourselves to submit to the Tribunal a few pictures to contrast the spiritual domain which is less perceptible, however, and whose importance is greater, to treat a subject which is effective and frontal, to show pictures of supervised expression. That is why we supplemented the words, impossible to say by a few pictures, which show in one look which speech could only have shwon slowly. We did try and we hope we have contribunted to the manifestation of truth.

THE PRESIDENT: The Tribunal will adjourn until ten minutes past two.

(Whereupon, at 1255 hours the hearing of the Tribunal adjourned to reconvene at 1410 hours of the same day.)

File copy

H0053 - 0032

Official Transcript of the International Military Tribunal in the matter of: The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 5 February 1946, 1410 to 1700, Lord Justice Lawrence presiding.

THE MARSHAL OF THE COURT: May it please the Court, I desire to announce that the Defendant Kaltenbrunner will be absent until further notice, on account of illness.

M. EDGAR FAURE: Mr. President, I shall now take up the last chapter of my Brief, which is devoted to the organization of criminal activities. I shall begin by quoting a few words spoken by Monseigneur Piguet, Bishop of Clermont-Ferrand, in the course of a pontificial address on Pentecost Sunday, May 20, 1945. Monseigneur Piguet had been liberated from the concentration camp where he had been sent by the Nazis.

"The criminal institutions of which we have been witness and victim bear within themselves all the scourges of ancient barbarism and servitude, to which they add a systematic character and a new method capable of increasing human misery by the whole scope of modern scientific possibilities."

It is upon this aspect of the systematization of German criminal enterprises, that I intend to present proof to the Tribunal with regard to the occupied countries of the West.

We have said that Germanization did not consist in the particular fact of the imposition of German nationality or of German law, but in the general imposition of the norm established by the Nazi regime, and in a general way, of its conception of the world.

In this aspect, the Germanization implies criminal activity at once as a means and as an end. As a means, because the criminal means is the most often very effective -- and we know that Nazism professes indifference in regard to the immorality of the means. As an end, on the other hand, since the final organization of Nazi society postulates the elimination of elements hostile to it or which it regards as undesirable. Under these conditions the criminal

H0053-0033

activities therefore do not appear as hazards and regrettable consequences of war and of occupation. They must not be imputed to initiatives, disorganized and secondary, due to the excess of zeal or the lack of discipline of subordinates. The elimination of adversaries being recommended by the doctrine, it will be carried out in fact by the normal and regular functioning of the administrative apparatus. If Nazism has a philosophy of criminal action, it also has, properly speaking, a bureaucracy of criminal activity.

The will which inspires this action is transmitted from one to another of the chief and secondary centres of the state organizm. Each of the misdeeds or each of the series of misdeeds of which we have spoken to you and about which we shall speak to you, assume a whole series of transmissions.

The orders which go from superiors to inferiors, the requests for orders or reports which go from inferiors to superiors, and finally the relations which are assured between corresponding echelons of different services -- this administrative organization of criminal activity appears to us a very important datum as to the determination of responsibilities and as to the proof of the imputations which are formulated in the indictment against the higher leaders and against the group organizations.

The responsibility of any one of these superior leaders in regard to a determined criminal activity, in effect, in no way requires that an exhibit or a document signed by this person himself be produced or that it should involve him by name. The fact that such a document exists or does not exist depends on chance. The responsibility of the higher leader is directly established by the fact that a criminal activity has been carried out in an administrative fashion by a service at the head of which we find this leader. This is all the more true in the case of a criminal activity pursued over a long period of time, affecting a considerable number of persons and whose development has given rise to a series of complications, of consultations and of solutions. There exist in every hierarchized state service a continuous circuit of authority which is at the same time a continuous circuit of responsibility.

Moreover, concerning the organization which the Prosecution qualifies as criminal organizations, their criminality results from the very fact that their activity produces criminal results without the normal rules of competence and of

H0053 - 0034

functioning of these different organisms being in this regard insufficiently known or modified. The collaboration which develops with a view to such a result between a series of agents of the organization as well as along the vertical of hierarchy and the lateral plan among the various specialities, implies no less necessarily the existence of a collective criminal disposition.

I shall speak first of the persecutions against the persons qualified as Jews, by the Nazi regulation. The Tribunal already knows by ample demonstrations the Nazi doctrine on the subject of Jews. The historians of the future may perhaps determine what in this doctrine has been the element of sincere fanaticism and what has been the part of a premeditated will to deceive and to mislead public opinion.

It is certain that the Nazis found great convenience in the theories which were to lead them to undertake the extermination of the Jews.

In the first place, the anti-Jewish thesis was a means always accessible for turning aside criticism and anger on the part of the public. On the other hand, it was a procedure of psychological seduction that was very skillful in regard to some minds. It made it possible to give a kind of satisfaction to the most deprived and underprivileged person, by convincing him that he was nevertheless of a superior quality and that he could despise a whole category of his fellow-men.

Finally, the Nazis thereby procured for themselves the possibility of whipping up the fanaticism of their members by awakening in them and encouraging in them the criminal instincts which always exist to a certain extent and in a potentiontial state in the sould of men.

Indeed, it is a German scientist -- Feurbach -- who developed the theory that disposition to crime does not necessarily proceed from a long preparation. The criminal instinct is available and may spring forth in a spontaneous, instantaneous fashion. The Nazis offered to their chief servants the possibility of giving free rein to the disposition they might possess for murder, looting -- the most atrocious actions and the most hideous spectacles. Thereby they fully assured themselves of their obedience and of their zeal.

In order to avoid repitition, I shall not speak a detailed fashion of the great sufferings which the persons

H0053 - 0035

qualified as Jews underwent in France and in the other countries of Western Europe. I should like simply to indicate here that it also was a great suffering for all the other inhabitants of these countries to witness the abominable treatment which was inflicted upon the Jews. All the French felt a deep affliction on seeing other Frenchmen like themselves being persecuted, many of whom had deserved the gratitude of the Fatherland. There is no one in Paris who did not feel a great shame in learning that the dying Bergson had had to be carried to the police commissariat to satisfy the resentment --

THE PRESIDENT: You will forgive my interrupting you, but the Tribunal feels that what you are now presenting to us, however interesting -- and it is interesting -- is really an argument and is not presenting evidence to us. And as we have already heard an opening on behalf of the United States, an opening on behalf of Great Britain and an opening on behalf of France, we think that you really ought to address yourself, if possible, to the evidence which you are presenting, rather than to an argument.

I feel sure that, with your readiness to meet the wishes of the Tribunal in expressing your presentation, you will perhaps be able to do that.

M. FAURE: I understand perfectly the feeling of the Tribunal. I had simply intended to say a few words referring to the French feeling produced by these persecutions. But these words have now been spoken, and I come precisely to the object of the demonstration which I am to present to the Tribunal with the documents.

To show the Tribunal that the spirit of my presentation is not different from the necessity which the Tribunal considers, I would like to indicate that I present in this Brief no document which is an individual story or even a collective story, and no document which comes from victims themselves, or even from impartial persons. I have tried to choose solely a certain number of German documents in order to furnish the evidence of the carrying out of a criminal enterprise which consisted in the extermination of Jews in France and in the countries of the West.

H0053 - 0036

I should like to note first of all that the Nazi persecutions against the Jews included two series of actions. This is important from the point of view of the direct responsibility of the defendants.

The first category of actions is that which resulted from the legislative or regulationary texts, and the second category is that which resulted from the administrative assaults.

Concerning the legislative or regulationary texts, it is evident that these texts which were issued by the German authorities -- which were either military authorities or commissars of the Reich -- were particularly flagrant violations of the sovereignty of the occupied countries.

I think that it is not necessary for me to present in a detailed fashion this regulation and this legislative enactment, for their effect is universally known.

In order to avoid readings, I have had established two tables which are before the Tribunal in the document book, although they are not documents properly speaking. These documents are to be found in an appendix. I should like to indicate that the first of these tables which are in this file indicates in chronological order in the left columns the legislative edicts and in the other the names of the different countries. The Tribunal can thus find the chronological story of the measures taken against the Jews in the different countries. The second table is a classification by subjects -- the conception of Jews, economic measures, yellow stars, and in the tables one finds the analysis of the material according to the subject.

I likewise present as a document a certain number of decrees which were issued in France concerning Jews and as these decrees are public acts I shall simply ask the Tribunal to take judicial notice of them.

Now, I think I must say this: There do not exist any ordinances --

THE PRESIDENT: Are you depositing these under the No. 1200?

M. FAURE: Yes, Mr. President. I present them as No. 1200, the series of ordinances.

I now must make this observation: These texts, taken as a whole, create for the Jews a very reduced condition. Yet there do not exist any legal German texts which order the general deportation or the murder of Jews.

H0053 - 0037

On the other hand, it is to be remarked that the development of this legislation is progressive until 1942, and at that time there is a pause. It is at the time of this pause that we shall see beginning the properly administrative measures which preceded the exploitation of Jews and which consequently were to bring about their extermination.

This brings us to the consideration of the fact that there are not two separate actions of which one would be the legislative action, that could be imputed to the military powers, and the second would be the execution of these orders which could be imputed to the police. This point of view, according to which the criminal responsibility would be less on the part of the military power, as having only issued decrees, would be an inaccurate way of looking at this. In reality we observed the development of a continuous activity successively utilizing different means.

The first means, that is to say, the legislative means, are necessary preparatory measures for the execution of the other means, which are the directly criminal means. It was indispensable, in order that the Nazis might begin to employ their plan of extermination, that they have first of all brought about a certain determination and a certain separation of the Jewish population, among the whole population of the country. It was necessary for them to be able to find the Jews easily, and finding them, diminish their ability to defend themselves the material resources, the physical resources and the intellectual resources which would have enabled them to avoid easily the prosecution and persecution of the police. It was finally necessary that it be possible for this whole condemned element of the national community to be cut off from the whole community with one single blow, and for this it was necessary to put an end first of all to the constant inter-weaving of interests and activities which exist among all the categories of the population.

The Germans wished finally to prepare public opinion as far as possible and they thought they would succeed in this by habituating people to considering that Jews are not men like other men and similarly by getting the public used to no longer seeing them, since it was practically forbidden the Jews to go outside.

H0053 – 0038

I shall now present to the Tribunal a few documents relative to this general extermination, deliberately undertaken by the Nazis.

I shall first present a series of documents which bear the numbers 1201, 1202, 1203, 1204, 1205 and 1206. I present these documents with reference to a special question, the emigration of the Jews who were attempting to leave the occupied territories.

Inasmuch as the Germans professed in all ways their desire to rid themselves of the Jews, it might be logically thought that they would look favorably upon this solution which existed, that of emigration. On the contrary, as we shall

H0053 - 0039

see, they forbade emigration and did so by a permanent and general measure. This then is proof of their determination to exterminate the Jews and a mark of the ferocity of their activity.

Here, first of all is document 1201. These documents are submitted to the Tribunal in a series of photostat copies to each of the members of the Tribunal. Document 1201 is a letter of 22 July 1941, addressed by the Bordeaux Service, requesting certain instructions from Paris. I wish to read the beginning of this message.

"It has just been observed that 50 (written document says 150) Jews are still in the territory of the Kreiskommandantur St. Jean de Luz. At the time of the conversation that we had with the Kreiskommandant, Major Henkel, the latter asked that these Jews leave his arrondissement as quickly as possible. At the same time, he stressed that in his opinion it would be preferable to let these Jews emigrate rather than to transfer them into other departments or even into concentration camps."

Here now is the answer to this telegram. It is document 1202, dated 26 July 1941. The second sentence:

"We do not approve the point of view of Major Henkel and this for the reason that the Reichssicherheits Hauptamt has stipulated again by a decree of principle that any emigration of Jews residing in the occupied territories of the West, as well as the non-occupied territories of France shall be prevented."

Now, an exhibit, document--which I submit as number 1203, which comes from the French Military Command under date of 4 February 1942.

"The Reichsfuehrer SS and Chief of the German Police, at the R.M.D.J., has given orders with a view to forbidding in a general fashion any emigration of Jews from Germany and from occupied countries."

The rest of the letter indicates that there may be exceptions. This document establishes the collaboration between the Army and the

H0053-0040

police, the Army assuring the execution and intervention with the supreme chief of the police.

I now submit document 1205. This document relates to the same subject, but I nevertheless submit it because it shows the intervention of a third German authority, which is the diplomatic authority. This is a note of the German Consulate General of Casablanca. I read the first sentence.

"The number of European emigrees leaving for the American continent which leave Casablanca at great intervals has greatly increased in the last month."

The rest of the letter indicates that these are Jewish grants.

Document 1204, which is joined to this one, constitutes a new relationship, in the same sense, of the Consul General of Casablanca, under date of 8 June 1942. I read the last paragraph of this document.

"As concerns the emigrants leaving Casablanca, these are for the most part Jewish families of Central Europe, of Germany, as well as French Jewish families. There is no occasion to suspect that young people of mobilizable age have left Casablanca with the avowed intention of entering the military service on the enemy side. We suggest the military authorities be advised."

I have quoted this sentence to show that this was not a military emigration that they would have an interest in preventing, but to show, on the other hand, that this document should normally concern the German Embassy on the one hand, to which it is addressed, and on the other hand the military services which it proposes to be informed. Now here is the sequel of these two communications. The sequel forms document 1206, of which the two documents which I have read constitute appendices. This document 1206 emanates from Berlin, from the Reichssicherheitshauptamt, and is addressed to the chief of the police for France and Belgium.

Here we find two copies of confidential reports from the Consul

H0053 - 0041

General of Germany in Casablanca to the Ministry of Foreign Affairs.

"In order that you may be apprised of them it would be well for you to give this your special attention by opposing, since there is occasion to oppose, as far as possible an emigration of this kind. I may therefore note three conclusions. First, as I have indicated, the Nazis opposed the emigration of the Jews, although they pretended that they are undesirable. Second, this decision was made on a superior echelon and in a general fashion. Third, all the services, the police, the Army and the Department of Foreign Affairs intervened to assure the carrying out of these barbarous orders."

I now present to the Tribunal document 1207. This document is a German report, a voluminous report. It is in fact 70 pages long. It was found in the German archives in Paris. In this document there are introduced a series of graphs, drawings, models and samples of census cards. It is mimeographed. Our copies have not the signature of the author, but simply the indication "SS Obersturmfuehrer." This is Obertsturmfuehrer Dannecker, who played an important role in the regulation of Jewish questions in France and who was the chief of this bureau.

THE PRESIDENT: That fact which you have just stated to us, has that been verified by the French authorities--mainly that it was a captured document in Paris?

M. FAURE: We seized these documents at the archives of the Surete Nationale. We found them among the documents in the German offices at the time of the liberation. Besides, I point out to the Tribunal that the other documents which are produced have the signatures of the German officials. This report is the only document which does not have a signature. The fact that it was written by Dannecker will be proved by other documents, which constitute the best way of doing it. I shall not read to the Tribunal the 70 pages of this report, but I should like to read certain paragraphs which I think may interest the Tribunal. Here is the first page. First

H0053-0042

of all the title is, "The Jewish Question in France and the Manner of Dealing with it."

"1 July 1941." First page: "Definitive solution of the Jewish question. Average reason and general aim of the activity in France of the Jewish section of the SIPO and of the

H0053 - 0043

SD. It is already now evident that practical results can not be achieved without the study of the political situation in general as well as of the situation of the Jews.

"The pages that follow are meant to give a view of the whole of our plan and to comment on the results achieved up to now as well as the immediate aims. All the principles which follow are to be considered from the following point of view. After the chief of the SIPO received from the Fuehrer the mission of preparing the solution of the Jewish question Europe, its offices in France have to carry out the preliminary work in order to be able, when the time comes, to function in an absolutely certain manner as outer services of the European Commissary of Jewish questions."

I shall now point out to the Tribunal the chief headings of the paragraphs in order to follow the development of the idea and of the activity of this German office.

THE PRESIDENT: I was considering, M. Faure, why this document hasn't got any identifying mark upon it. I mean, of course, we don't doubt for an instance what you say to us is true, but at the same time it isn't the correct way to do it; for us have to reply on counsel's statement as to the nature of the evidence. And there is nothing on the document itself to show that it was captured in Paris or to show what it is except what it states.

M. FAURE: Mr. President, the joining of this document to the file of the French prosecution was done by a French report made in Paris, which I shall present before the Tribunal, because as this report concerns a certain number of documents, it was not especially joined to the file of this particular document. On the other hand, when I received these documents from the police I did not wish that we should write anything on the document or that we should place it under a seal, for I wished to avoid modifying the normal aspect of the document in any manner whatsoever. I must indicate that if the Tribunal prefers not to receive this document inasmuch as I do recognize that it does not bear a signature, I shall not submit this document for I have a second report of Dannecker which is signed by him and which constitutes approximately the summary of this one. I had submitted bot to enable the Court to see the continuity of the activity.

H0053 - 0044

THE PRESIDENT: M. Faure, in the case of the documents presented by the United States, the captured documents by the United States, as Sir David Maxwell-Fyfe reminded us the other day, there is an affidavit, I think, of Major Coogan, which on it states that all those documents of a certain series-- PS, L, R, and various other series-- were all captured in Germany by the United States forces. If there were such an affidavit with reference to documents captured in Paris which might be identified by some letter such as PS or some similar letter to that, the matter would seem to us to be in order. But when a document is presented to us which has no identifying mark upon it at all we are then in the position of which we are in now of simply hearing the statement of counsel, which of course isn't evidence, that the document was found in Paris or found somewhere else; and therefore the way it occurs to me is one way that it might be dealt with would be an affidavit by somebody who knows the facts that this document and any other documents of a similar sort were captured in the archives of the German forces in Paris or elsewhere.

M. FAURE: I could very easile produce before the Tribunal the affidavit which it requests. I indicate that if we do not have it in this form it is because our habitual procedure is not exactly the same as that followed perhaps in the United States. So in fact, the Charter of the Tribunal indicating that the prosecution was charged with gathering the evidence, we ourselves have authorized magistrates in our offices and services to seek documents in the Archives of the police; and if the Tribunal wishes I shall ask in a supplementary fashion, the police for the attestation of the seizure of these documents in the German archives. I shall then ask the Tribunal to be allowed to produce this affidavit within a few days.

THE PRESIDENT: M. Faure, the Tribunal thinks that we might admit the document subject to your undertaking that you would do that in the course of a day or two.

M. FAURE: I can not guarantee that I will have this document in a day or two.

THE PRESIDENT: I wasn't stressing the number of days. If you will undertake to do it that is sufficient.

H0053-0045

M. FAURE: Certainly, Mr. President. I continue then with the analysis of the Dannecker report. The first chapter is entitled "History of the Jews in France." I shall not read it. It includes a series of ideas on a wholly elementary intellectual level. The following chapter is entitled, "Organization of the Jews in France." It includes a first part under the heading, "Before 14 June 1940",-this part does not seem to me interesting. The second part of this chapter is entitled, "Activities of the SIPO and the SD, (SS, Einsatzkommando Paris)" against these organizations and against the leading Jewish persons (the report comes from the SS Hauptsturm Hagen). I think I might read the beginning.

"The utilization of the documentation gathered in Germany, Austria, Czechoslovakia, and Poland made it possible to conclude that the center of Judism for Europe and the chief communications with the countries beyomd the outer sea must be sought in France." It is on the basis of this observation that the great Jewish organizations that are already known, such as "World Jewish Congress"-then follows an enumeration -- have been searched and sealed.

Beginning with page fourteen, the report attempts to demonstrate the existence of a bond between Judism and Catholicism. It presents the results of searches that were made in the homes of various persons: The Rothschild family, the former minister Mandel, the press attache at the British Embassy, and other persons, including the lawyers Moro Giafferi and Torres. The end of this chapter is as indicated, page sixteen. In summary we can say that on the basis of the documentation that has been gathered that Judism in France, in connection with Catholicism as well as with certain important politicians, constituted the last rampart on the European continent.

The following division has the title, "Life of the Jews After the Arrival of the Germans." The text describes the manner in which the Germans organized and imposed a central and single organization of the Jews. This had to do with the beginning of the plan which I pointed out a while ago to the Tribunal, which consisted in creating a mass of Jewish population entirely separated from the rest of the population. I should like to read the first paragraph, for the analysis of it is very important. Of course, if appeared after the

H0053-0046

Armistice and return to normal life that almost all the Jewish associations had ceased to exist (absence of responsible officials and of donators who had fled into the non-occupied zone) while the needs of aid and help were constantly growing. The German legislature brought about a constant aggravation of the Jewish social problems. It seems that this state of things should create a favorable ground in France for a general organization of Jews.

In this text there is a very subtle idea. It is noted that German legislature, that is say, the legislature of the military commands, brought about a great aggravation of the social problems, and there is concluded from this that

H0053 - 0047

the general organization of the Jews is thereby facilitated. This reasoning confirms, I think, what I said to the Tribunal a while ago, namely, that we were faced with a whole system of measures, the first of which were intended to facilitate the separation of the Jewish community which was to be exterminated. Dannecker thereupon explains how a coordination committee was created.

I skip over the details and I come to page twenty, paragraph two.

"It has been agreed with the services of the commandant of Greater Paris that in the future the Jewish organizations address themselves to the German services only through the intermediary of the Committee of Jewish Coordination. It is thus that all the small Jewish organizations will be forced to become integrated. Moreover, it has been agreed with the Parisian office of National Relief that, after a delay of a period of four weeks, no Jew can any longer be fed and sheltered by National Relief. The SNL delegate appointed a special representative to control the coordination committee in this matter. Moreover, the blocking of Jewish holdings in the very near future will force Judism to ask for the coordination of the committee in receiving gifts which are intended for it coming from these blocked holdings, and the acceptance of this request will signify the practical existence of an enforced Jewish union. It is thus seen that this question is likewise resolved in the sense it is desired, even if it is in a 'cold manner'."

The following chapter bears the title, "Political Activities of the Charge d' Affaires of the SIPO and of the SD." I should like to read some passages from this. After the promulgation by the French Government of the Jewish statute of the 3rd of October 1940, a certain slowing-up occurred in the solution of the Jewish question in France. This is by the Charge d' affaires of Jewish Questions. He elaborated the plan of a Jewish Central Bureau. Discussions in regard to the plan took place with the military administration on 31 January 1941. The latter showed no interest, and considering that the qestion was of a purely political nature had it sent to the SD in agreement with the German Embassy; had it referred to the SD.

What follows is an analysis of various discussions with the French

H0053 - 0048

Commissioner Vala, with Ambassador Abetz, with De Brinon, and indicates the different exigencies presented by the Germans to the French authorities. I pass now to page twenty-four, the last paragraph.

The proposal of the Services of Jewish affairs has been put off to the SS Brig. Fuehrer Dr. Best by SS Obersturmbannfuehrer Dr. Knochen. This proposal means that the liaison service is to be created, which should include the representatives of the four offices above cited. The direction of these matters was to be in the hands of the charge d' affaires of Jewish questions of the SD in conformity with the rules of competency of the OKW, the OKH, and the Militaerbefehlshaber in France. After this discussion on the 10th of June 1941 there was held a conference. Doctor Stortz, the ministerial consular, was represented there and the Verwaltungstab--then German titles follow which haven't been translated into French, which are a little hard for me to read. Doctor Blancke, Economic Service, Embassy Counsellor Zeitschel, of the German Embassy, and Obersturmbannfuehrer Dannecker, the representative of the Military Administration, expressed clearly that the competence of the SD resulted fr m the decrees of the OKW and of the OKH as well as from the last confidential decrees of theMilitaerbefehlshaber of France of the 21st of March 1941. Doctor Stortz expressed that for various reasons it would be preferable to abstain from creating a liaison bureau, properly speaking, created by the SD. SS Obersturmbannfuehrer Dannecker explains for his part that the only thing that was important was the definitive settling of the question, and that subsequently the SD shouldbe in a position to carry out the orders coming from the RSHA.

THE PRESIDENT: M. Faure, can't you summarize this? It is a very long document, and we have so many documents and so much evidence in connection with the Jews already.

M. FAURE: I shall simply read one sentence on the same page:

"After the conference it was decided to meet in the same place, at the Charge d'affaires of Jewish Questions, every week."

In the course of these meetings they would exchange all their experiences and the difficulties that they encountered.

HO053 - 0049

I think it is interesting to note these regular conferences which were held every week were between the military services, the Embassy, and the Police Service.

The following passages of the report can be passed over. They are appraisals of valor, indications relative to the file concerning the Jews, and the analysis of German ordinances. This is important to show thatthese ordinances enter into the overall plan.

Dannecker likewise speaks of the anti-Jewish institution, and observes that this institute was financed by the Embassy of Germany. The report continues by statistical indications, and it concludes with a statement of which I shall read only one paragraph:

"I hope I have succeeded in giving an idea of the present situation, and in giving a view of the whole of the difficulties of all kinds that we have had to surmount in this round of ideas. I cannot speak of this subject without remembering the really friendly support which has been given to our work by Amgassador Abetz and by his representative, the Attache Schleier, as well as that of the SS Sturmbannfuehrer, Embassy Councillor, Dr. Zeitschel."

To meet the desire of the Tribunal, I note that I shall not submit all the documents which are included in my document file. I shall therefore pass now to Document Number 1210, which I submit under this number. This Document Number 1210 is a new report of Dannecker. It is dated 22 February 1942. I submit it to show the regularity and the development of the activity of the German offices. This is Document 1210. I have not submitted Documents 1208, and 1209. This is a letter of the 22nd of February 1942. I shall simply read the headings, and I shall make two quotations.

The first heading is entitled "Task of the SIPO and of the SD in France." The second is "Jewish Cartotheque;" the third, "French Commissariat of Jewish Questions"; the fourth, "The French Anti-Jewish Police." The fifth is entitled "Activity." I shallquote the paragraph:

"Up to now three operations of great scope have been carried out against the Jews of Paris. Each time our services have been responsible

H0053 - 0050

for the choice of the Jews who are to be arrested, and also for all the preparatory work as well as for the technical organization of the activities. The Jewish Cartotheque, which we have described

here above, has considerably facilitated the organization of all these activities."

Following that is the heading of "Anti-Jewish Institute," and, finally, "Obligatory Grouping of the Jews."

Next is "Tuesday Conferences." I shall read Paragraph 2:

"Since the middle of 1941, every week there is a Tuesday conference"--this is page 5 of the document--"in which are represented the following services: One, Military Command, administrative staff, administration section. Two, Administrative Staff, Police Group. Three, Administrative Staff, Economic Section. Four, Embassy of Germany and Paris. Five, Einsatztab West of the Reichsleiter Rosenberg.

"The conference had as a result, except of course for very rare exceptions, which occurred in isolated cases, that an absolute aligning of the Jewish policy was able to be carried out in the occupied territory."

THE PRESIDENT: We will break off now.

(A recess was taken from 1535 hours to 1545 hours.)

M. FAURE: Gentlemen, in order not to prolong the discussion too greatly I would like, if it pleases the Tribunal, to submit as a document all the documents which are found in this book, but to read in making an analysis only some which are the most important.

I will then pass over Document 1211, 1212, 1213, and 1214. I should like to read 1215, which is a telegram of the 13th of May 1942. I should like to mention to the Tribunal at the end of the text which has been mimeographed in French, that there was on the document the letter "K", which indicated the word "Keitel." I would like to mention that this word is not found in the document. I should like to read this document, which is very short:

"Secret Telegram - 13 May 1942. To the Chief of Bezirka.

"According to the instruction of the Commanding General of the Army we must not, in publications relative to the forced driving back of inhabitants, to use the words 'sending towards the East,' in order to avoid reference to the occupied regions of the East.

"The same is true for the expression "deportation," this word reminding too closely the expulsions of inhabitants into Siberia at the time of the Czars. In all the publications and in all correspondence we must use the words "sending for forced labor." End of quote.

H0053 - 0051

H0053 - 0052

The document 1216, which I offer in evidence now, is a memorandum of Dannecker, of the 10th of March 1942. The purpose of this memorandum is thus entitled, "Deportation from France of 5,000 Jews."

This quotation of the title is adequate to characterize the subject of the document. Dannecker alludes to a meeting of the Jewish charge d'affaires, a meeting which took place in Berlin in the RSHA, the 4th of March 1942, during which it was decided that parley would be undertaken for the deportation of several thousands of Jews from France. The memorandum specifies Paragraph 4, second sentence:

"Jews of French nationality must be deprived of their nationality before the deportation, or at the latest, the very day of that deportation."

Subsequently in the document Dannecker states that the expenses of this deportation must be paid by the French Jews. As far as imminent deportations is concerned of considerable Jewish masses from Czechoslovakia, it was provided that the Slovakian Government should pay a sum of 500 Rentenmark for each Jew who was deported, and, moreover, would pay for the expenses of deportation.

I now offer in evidence Document 1217, which is a memorandum of the 15th of June, 1942, entitled "Other transports of Jews coming from France." This continues the same operations, but I believe it is interesting to offer this in evidence without reading it, because this document shows the complete functioning and the normal functioning of this administration, of which the purpose was to arrest and to deport innocent people.

The beginning of the memorandum alludes to a new conference in Berlin, the 11th of June 1942, at which were present, besides Dannecker, those who were responsible for the Jewish Department of Brussels and of the Hague.

In the fourth paragraph, page 1 of this document, I read the last sentence of the paragraph: "Ten per cent of Jews who are not able to work will be included in these convoys." This sentence shows that this deportation did not have for its purpose merely the procurement of labor.

I would like to also read the fifth paragraph, which includes only one sentence: "It was agreed that coming from Holland 15,000, from Belgium 10,000, and from France, including non-occupied territory, total sum 100,000 Jews who should be deported." The last part of the memorandum relates to the

H0053 - 0053

technical execution. It alludes first to the negotiation with the service of transportation in order to obtain necessary trains. It alludes then to the necessity of obtaining from the de facto French Government the deprivation of nationality of all Jews who dwell beyond the frontier. Its result was that Jews who were deported would no longer be considered as French citizens; and we must note, last of all, that the French State should pay the expenses of transportation and divers expenses of the deportation.

I offer in evidence Document 1218, which is a memorandum of the 16 June, 1942, entitled "The Transportation of Jews outside of France" concerning the order of the SS Obersturmbannfuehrer Eichmann to the SS Hauptsturmfuehrer Dannecker of June 11, 1942. The three first paragraphs of this memorandum show that difficulties existed for the transportation of deportees, because of the fact that a great number of railway material is necessary for the preparation of the Eastern campaign. I should like to read the two last paragraphs of this letter:

"We now carry out a great reorganization of the German transportation system in France, consisting essentially in the taking over by the Reichsminister of transportation under his responsibility and numerous organizations which existed until today. This reorganization, which was ordered in a rather hasty manner quite recently, will be completed only in a few days. It is impossible to make known approximately before that date whether the transportation of Jews can be carried out in the near future or at a remote date on this anticipated scale, or even partially."

This information seemed to me important in order to define the responsibility of the Reich cabinet. Such an important undertaking as the deportation of so many Jews required the intervention of many different administrative services, and we see here that the success of this enterprise depends on the reorganization of transportation under the responsibility of the Reichsminister of transportation. It is then certain that such a ministerial department, which is the technical department, the best one, must intervene in order to carry out that general enterprise of deportation.

I now submit Document 1219, which is a memorandum of June 16, 1942, of Doctor Knochen. This memorandum is entitled "Technical Execution of Convoys of Jews Outside of France." I shall only read, in order not to be too long, the first paragraph of this memorandum.

H0053 - 0054

"To avoid any conflict with the operation which is being carried out concerning French workmen for Germany, we will only speak of Jewish transfers. This version is confirmed by the fact that the convoys may include entire families, as a result of which we envisage the possibility of sending later for the children less than sixteen years old who were left behind."

The remainder of the memorandum, as with all the text, which is very painful from an ethical point of view, continues to treat in a large measure

the question of the deportation of the Jews as if it were a question of simple merchandise as if these human beings were mere merchandise.

I now submit Document 1220, which is a letter of the German Ambassador in Paris, Doctor Zeitschel, of June 27, 1942. I should like to read this letter, which is thus expressed:

"As a result of my conversation with the Hauptsturmfuehrer Dannecker of 27 June, during which he pointed out that he needed as soon as possible 50,000 Jews in the free zone, to be deported toward the East and he agreed, on the other hand, to aid the operation Darquier, the General Commissar on Jewish questions, I immediately informed Ambassador Abetz and Councilor Rahn of this matter. The Councilor Rahn would meet this afternoon President Laval, and promised to discuss with him immediately the handing over of these 50,000 Jews, as well as the question of giving plenary powers to Darquier de Pellepoix, in conformity with the laws already promulgated, and to grant him immediately the credits which he requested. Unfortunately, having been absent from Paris for eight days, and seeing the urgency of the question, I should like the Hauptsturmfuehrer Dannecker on Monday, the 29th, or Tuesday, the 30th, the latest to get in touch with Councilor Rahn, to become acquainted with the reply of Laval."

I thought it useful to read this letter, for it shows the responsibility of the Ministry of Foreign Affairs and of Ribbentrop in this abominable matter of the handing over of 50,000 Jews which was required. It is quite evident that such a step cannot be by a mere councilor of an embassy unknown to his minister, and if the latter is not informed he must have been informed and he must have consented to this matter.

I now submit Document 1221. It is a memorandum dated 26 June, 1942, of which I shall only give the title "Directives for the Deportation of Jews."

Now I come to Document 1222, of which I shall read also only the title, "A meeting of Specialists Concerning Jewish Questions. The Commando of the Security Police of Section IV-G, 30 June, 1942. Deportation of Jews coming from occupied territory to Auschwitz." In this memorandum Dannecker alludes to the conference which took place of the RSHA, according to which 50,000 Jews should be transferred. There follows a list of the trains, the stations in

H0053 - 0055

H0053 - 0056

which they should meet, and so forth, and it asked for a report.

I now submit Document 1223. It is a memorandum dated 1 July 1942. It is the conference of Dannecker and Eichmann, who, as we already know, was in Berlin and who had to come to Paris on that occasion. Purpose: Departmental conference concerning the imminent evacuation from France with the SS Hauptsturmfuehrer Dannecker. It still concerns the preparation of the great operation which was envisaged.

I now submit Document 1224, of which I only read the title and the date, July 4, 1942 "Directive for a major round-up of Jews in Paris."

I now offer in evidence Document 1225, which is a note of the 6th of July, 1942, of Dannecker. Purpose: Deportation of Jews from France. It concerns a conference held with representatives of French authorities. We see in the document the expression "Judenmaterial," which was translated in an indirect way by the words "Jewish livestock."

I now submit Document 1226. I should like to read, if the Tribunal pleases, the first paragraph of this document, which is very revealing, concerning both the collaboration with the transportation services and the frightful mentality of the Nazi authorities. The memorandum is a result of a telephonic conversation between the signatory Roethke and the Obersturmbann-fuehrer Eichmann at Berlin.

"The SS Obersturmbannfuehrer Eichmann at Berlin telephoned the 14th of July 1942 about 1900 hours. He wished to know why the train which had been provided for the transportation of 15th of July 1942 had been annulled. I replied that in the beginning those who wore stars would be arrested also in the provinces, but that in conformity with a recent agreement with the French Government only Jews who had lost their nationality should be arrested.

"The train of 15th of July 1942 then was annulled, according to the information of the S.D. Kommando at Bordeaux; 150 Jews without nationality were found in Bordeaux, given time, and Ersatz in Jews could not be found. SS Obersturmbannfuehrer Eichmann replied that it was a question of prestige. They had to carry out the Reichsminister of Transportation's long negotiations concerning trains, negotiations which were crowned by success, and now Paris cancels the train. Such a thing had never happened to him up to now. The

H0053 - 0057

matter was very compromising. He did not wish to inform subsequently the SS Gruppenfuehrer Mueller, for the blame would fall on his own shoulders. He wondered if in a general way it was not necessary to let France drop as a country of deportation was concerned."

I now submit Document 1227, which gives statistical information indicating that they evacuated up to the 2nd of September 1942, 27,069 Jews, and they might reach the figure at the end of October of a total of 52,069 Jews. They were concerned to accelerate the pace and to reach also the Jews of the non-occupied zone in France.

I now submit Document 1228. It is also an account of a conference where there were invited representatives of the French authorities. I should like to read only the last paragraph of this document 1228.

"On the occasion of the congress which took place on the 28th of August 1942 at Berlin, it was observed that most of the European countries are closer and much closer to a permanent solution of the Jewish problem than France. In truth, these countries began much earlier. We then must catch up in many matters between now and the 31st of October 1942."

I now submit Document 1229 without reading it. It is a memorandum of the 31st of December 1942 of Dr. Knochen on the same subject of deportation.

I now submit Document 1230, which is a memorandum of the scheme of 1943 concerning the present situation of the Jewish question in France. In the first part of this document they indicate that the deportations reached the number of 49,000 Jews up to the date of the 6th of March 1943. Then the information follows of the nationalities, which are quite varied -- rather a certain number of Jews who were deported in addition to French Jews. Paragraph 3 of this list bears the title position of the Italians in the Jewish question. I shall only read the first lines and the last lines of this long paragraph.

"The situation in the departments occupied by the Italians in France must be changed if we wish to solve the Jewish problem. A few cases are very urgent. These terrible cases were Italians in the zone in which they were opposed to the arrest of the Jews."

I now read the last paragraph.

H0053 - 0058

"A.A. was informed by the R.S.H.A. Eichmann concerning the acts of the Italians."

A.A. appears to be the initial of the Ministry of Foreign Affairs, which the following sentence confirms. I continue the quotation:

"The Minister of Foreign Affairs, Mr. Ribbentrop, wished to discuss at the time of an audience with the Duce the position of the Italians concerning the Jewish question. We do not know the results of these parleys."

I shall not submit documents numbered 1231 nor 1232. I pass then to the last document which I should like to present to the Tribunal. This document relates more specifically to the deportation of children.

I submit the Document 1233, which is a memorandum of Dannecker on the 21st of July 1942. I shall read paragraph 2.

"The question of deportation of children has been examined with the SS Obersturmbannfuehrer Eichmann. He decided immediately that the German Government would do all that was possible for the children. SS Obersturmbann-fuehrer Nowak promised to do all that was possible at the end of August until September; about six convoys towards the general government, including Jews of all kinds, including those who were unable to work and elderly Jews."

Now I offer in evidence Document 1234. It is a memorandum of August 15, 1942, signed "Roethke." Before pointing out the interest of this document I remind the Tribunal that I have already submitted a document No. 18 and in that document there was a formula which I recall and which well envisaged the possibility of seeking out later the children of deportees who were left behind. The Nazis wished to give the impression that they deported the families together; that, at any rate, they didn't deport trainloads composed exclusively of children to give this impression. They thought up something which you could only believe if you read it; to mingle in definite proportions groups of children and groups of adults. I read paragraph 4 of this document 1234.

"The Jews coming from the non-occupied zone at Drancy will be mingled with Jewish children who are present at Pithiviers and Beaune La Rolande, so that out of 700 there will be at least 500 Jewish adults, 300 to 500 Jewish children. In fact, in conformity with the instructions of the R.S.H.A., trains containing only Jewish children must not leave France."

H0053 - 0059

I also will read the following sentence:

"It was said at Leguay that in September thirteen trainloads of Jews were also to leave Drancy and that they could deliver Jewish children coming from the non-occupied zone."

H0053-0060

I now submit these documents with a series relative to the Jewish question. Document 1235 is one which I shall read so it will tell what was in it.

"Received: 6 April 1944, Lyon. Object: The Institution of Jewish Children at Izieu, Ain Province. This morning this institution of children, or child colony, at d'Izieu (Ain) was dissolved, and a total of forty-one children from three to thirteen were arrested. Moreover, the arrest of all the Jewish personnel, including ten heads was successful, among which there were five women. They were not able to secure much money. The convoy which was destined for Drancy started on 7 April 1944."

This document also bore the manuscript note, which expresses the matter discussed in the presence of Dr. V.B. and the Haupsturmfuehrer Brunner. Dr. V.B. stated that in cases of this kind special measures were provided considering the lodging of the children by the SS Obersturmfuehrer Roethke. The SS Haupsturmfuehrer Brunner stated that he knew of no such instructions or of any such plan. That theory did not prove of such special measures in this case, which was also received in conformity with the customary habit of deportation, and hence, from that time on is to take no decision as to the principle in this respect. I believe that law shows that there was something even more certain and more horrible than the concrete facts of the removing of these children, and in an administrative characteristic that account shows the hierarchic voice in a conference of different officials discussed in a matter relative to the normal method of their departments.

All the organization of the state -- I am speaking of the Nazi State -- were put in the movement on such occasions, and for such purposes. At first there is an illustration of the words which were made in the report of Drancy: "la maniere froids. The cold manner"

In the following chapter I shall present the Tribunal with a continuation of the chapter which includes certain number of documents which were gathered in order to show in conformity with our general line of presentation the perpetual interference of the German administrative service,

H0053 - 0061

and as I find myself late in my schedule, I shall simply point out the numbers of these documents, which I should like to offer in evidence, and which I shall not at this time give account of. These documents will be numbered from 1238 to 1249.

I still would like to read tothe Tribunal the document whichbears the number 1233, which isinteresting from the organic character, and the juridical potential of the German organization. I shall quote a few sentences of this document which is in the report of the Chief of the Administrative General Staff on the service made during the reprisal action in September 1941. They suggested that in the future the execution of hostages shall be void, and of their being replaced by death sentences, and pronounced by the war tribunal. I shall skip the following few lines, and I continue: "The reprisal will consist in the fact thatin cases in which they were normally pronounced penalties, the imprisonment only, or acquittal, they will pronounce a capital punishment, and they should carry it out. With this influence exercised over the decision of the judge, considering the fixation penalty for crimes and acts of sabotage, they will take account of the spirit of the French point of view which is very strongly attached to the juridical form."

I should now present what will be the last paragraph of my presentation. I should like to submit a documentary proof considering the criminal action which has not as yet been explained to the Tribunal, and which involves the personal responsibility of certain of the defendants who are present here. I must remind, or recall to your minds the criminal actions of the Nazis which is to come in divers forms, and they would carry it out through a long period of time, and I have already discussed this at length with the Tribunal. The form which was especially original was this, which consisted in those crimes to be committed by persons who were organized as common law criminals, and associations, and under such conditions as appeared committed by assembled bandits; or even imputed to resistance organizations, and which had responded to dishonor.

Such crimes were persecuted in our occupied countries, but it was sometimes difficult to detect because of the precautions which were taken to camouflage them, to truly show the responsibility for these crimes.

Even up to the limits the Nazis stated so. Now this proof was discovered in a suit carried out in Denmark, and for all information was given by the report of Dannecker, which wasgiven very recently. I shall explain very briefly the existing situation. It was a series of murders which were committed in Denmark, which received the title of "Murders by compensation, or by 'clearing'" (Counsel for defense steps up to the rostrum). This definition was explained by counsel fordefense who points out that there is an error in translation in the last document which I read. It is document No. 1243 and he said is a word which I translated incorrectly, and as I am ignorant of the German language, it is quite possible that the error exists, and this word was used in case of error.

THE PRESIDENT: What is the document?

M. FAURE: My assistant informs me of the fact thatan error exists. I hope the Tribunal will excuse me for it, because I have considerable work. This is document 1243, that is line 14 which I read where they "Normally pronounced penalties, the imprisonment only, or acquittal." According to counsel for the defense, that they normally pronounced a prison sentence only, or pardon. The word seems well to be constructive, even though the use of the word is explained an error in translation. I think it is sufficient to note that the inflexioh given to the pronouncing of "capital sentence" instead of "I pronounce prison sentence", would seem to be normally justified.

Now I come back to the subject I was discussing. I should like to read and explain the situation, and the definition which was given by the Dannecker report. It is found on page 19 of the supplementary memorandum, of the Dannecker report. This document has been submitted under No. 901. I see it isnot set out in the Document Book, but I would like to point out the passages which I cite and I found in my brief.

H0053 – 0062

H0053 - 0063

At the end of this brief is a numbering, and I am now on page 3 in the last pagination. I quote page 19 of the Danish report:

"Beginning with the New Year 1944, it has occurred that a great number of persons, at intervals which were shorter and shorter, and the names of persons who were well known, were murdered. For instance, they rang the door bell and one or two men asked to speak to them. When they appeared at the door . . . ."

THE PRESIDENT: I haven't got it. It is in this dossier of the administrative and juridical organization of the criminal action, is it? Under which document is it?

M. FAURE: It isn't in the document book. It is in the dossier of the brief. It is the last part of the dossier. The numbers run to 76 and then again with number 1. If the Tribunal goes to page 76, then a new pagination begins, page 1.

THE PRESIDENT: Yes, I have it.

M. FAURE: I read from page 19 of the report, page 3 of the brief, last paragraph:

"Beginning with the New Year 1944, it occurred with a great number of persons, at intervals shorter and shorter, and most of them well-known persons, were murdered. For instance, they rang the doorbell and one or two men asked to speak to them. When they appeared at the door, these unknown persons killed them with revolver shots. Or for example, a person pretending to be ill, went to a physician during the hours when he met his patients and when the physician entered, this unknown person killed him with a revolver. Other times, it happened at night, men who were unknown, forcibly entered a house and killed the person who lived in the house, before the eyes of his wife and his children or even a man was ambushed in the street by civilians and killed with a revolver."

I do not need to read the following paragraph. I resume the reading of the past paragraph on page 19:

"As the number of victims increased on the Danish side, they were forced to recognize with stopor, with astonishment that there was given a certain political motive as a basis of all these murders; that they realized that in one

H0053 - 0064

way or in another the Germans were the instigators.

"After the capitulation of Germany in Denmark, according to the investigations of the Danish police, it has been established that all these murders, which amounts to hundreds, were really committed at direct orders of the supreme authorities and with the active corroboration of German high officials in Denmark."

Here I end the quotation and I shall summarize what follows: The danish authorities were able to discover all the criminal murders, which amounted to 267, which was analyzed in the official Danish report. These acts consisted of crimes and other criminal acts, and notably explosions. It was determined that all these acts were committed by bands of Germans and some Danes, who constituted two groups of bandits, as I should prove subsequently, who acted according to orders from a very high place.

The Danish report notably contains the details of the story of the investigation which was made on the first of these crimes, of which the victim was the great Danish poet, Kaj Munk, who was also the pastor of a parish. Those who carried out the design confessed.

I summarize here the documents in order not to be too long. The pastor, who was sought out in his home and forcibly taken to a vehicle, was killed on the highway. His body was found the following day with a sign pinned upon him, where it was written "Cochon, you worked for Germany just the same."

The Tribunal sees how many similar crimes were committed under abject conditions now. A first fact was that they discovered the members of the group, the bandit groups who committed these different crimes, that they received a letter of personal congratulations from Himmler. The text of this letter, which was found on one of the murderers, constitutes appendage 14 of the Danish report and on the other hand, we have here the photostatic copy with the signature of Himmler, but these crimes are extraordinary crimes and entail in an unbelievable way and involve other responsibilities than that of Himmler himself. The Danish police was able to arrest Pancke, who exercised his functions of the police in Denmark from the 1st of November 1943.

The inquiry was established by the Tribunal at Copenhagen, which is in the document book and which concerns the interrogation of Guenther Pancke,

H0053-0065

of the 23d of August, 1945.

It is now necessary that I read to the Tribunal the extract from this document, which involved several of the defendants.

THE PRESIDENT: You are going to read some new document, aren't you? You are going to read some fresh document, aren't you?

M. FAURE: It is the same document, Mr. President. It is the official Danish report, which includes all the documents, notably the original, of the Tribunal at Copenhagen. As I pointed out just now, this large Danish report was handed to you the other day under the document 901 and I did not ask that it be handed over to you again. We have a limited number.

THE PRESIDENT: You were referring just now to a letter of Himmler expressing thanks to these murderers. That is on page 11, isn't it?

M. FAURE: This appendage 14 of the Danish report was recopied in my brief under page 11, in fact.

THE PRESIDENT: What are you going to offer after that?

M. FAURE: I submit the appendage 7 of the Danish report which was the interrogation of Guenther Pancke. The extract which I would like to submit is copied and found on page 12. The Danish document, although it is offered in evidence in its entirety, these are parts of the document which was already submitted.

THE PRESIDENT: I follow, yes.

M. FAURE: I quote: "The 30th December, 1943. "Best was present at a meeting of the General Staff of the Fuehrer; Herr Hitler, Himmler, Kaltenbrunner, General von Hannecken, Keitel, Jodl, and Schmundt were present, amongst others. This corresponds with the diary of Best, of the 30th of December, 1933, of which there exists a copy. There was also there a representative of the Foreign Office in Germany, but Pancke does not remember his name nor whether the person in question pronounced the speech. In the course of the first part of the meeting, Hitler was in very bad humor and everything led one to believe that the information that he obtained concerning the situation in Denmark was a bit exaggerated."

I should like to skip the following page, which is not indispensable, and come to page 14 of my brief. In the passage which I don't read, the witness

H0053 - 0066

reports that he, Dr. Best, advised that sabotage be fought in a legal way. He also points out on page 14 that Hitler points himself strongly against the proposal of Pancke and Best, declaring there was no question of judging saboteurs before a Tribunal, and then he said that such methods would end and they would consider the condemned as heroes.

I resume the quotation on page 15:

"With the saboteurs, there was only one way of acting; to wit, to kill them and preferably at the time when they were carrying out the action, if not at the time of their arrest. And they both received from Hitler in person the severe order that compensatory murders should be initiated. To this, Pancke replied that, nevertheless, it was very difficult and also dangerous to shoot people at the time of their arrest, if they could not know with certainty at the time of the arrest if the person who was arrested was really a saboteur. Hitler demanded compensatory murders in the proportion of five to one at least; that is to say, for each German, five Danes should be killed."

H0053 - 0067

The rest of the document shows that General Hannecken made a report concerning the military situation. I read the sentence on page 16 of my brief:

"Moreover, General Keitel took part in the conversation, limiting himself nevertheless to propose the reduction of food rations in Denmark to the same level as rations in Germany. This proposal was rejected by all of the Danish representatives, all three of the Danish representatives. The result was, the meeting ended by the express order of Hitler for Pancke to initiate these compensatory murders and counter sabotage. After this meeting, Pancke had a conversation alone with Himmler, who told him that he, Pancke, had learned now from the Furhrer himself how he should act and that he thought that he could count on Pancke to execute the order which he had received. It seemed up to now, he had executed that of Himmler. Pancke knows that Best, after the meeting had a conversation with Ribbentrop, but he doesn't remember the result."

The document then shows that these compensatory murders were carried out but not in the proportion of five to one but in the proportion of one for one. It shows that he sent a report to Berlin for these compensatory murders.

I read on page 18 of my brief, second paragraph:

"Pancke explained that in his opinion these murders were decreed with full premeditation by the supreme jurisdiction in Germany, which consider them necessary for the protection of Germans who were stationed in Denmark, and for the Danes who were working for Germany; thus, Pancke had to obey the order. Bovensiepen gave an account of these facts when on a question of important subjects, he made proposals. Pancke does not know if, in all cases, Bovensiepen selected the subjects himself or whether in certain cases the subjects were selected by his subalterns but he said, too, that he underwent a strong pressure from the military side on the part of General Hannecken, although General von Hannecken was opposed to reprisals through terror and later, still more, Colonel General Lindemann, when soldiers were killed or damage was caused to military objectives, he immediately inquired of Pancke, he asked him what measures he had taken, and from the military side they could report to the major staff, that is to say, Hitler. Pancke was to give a satisfactory reply and also he was to act." I end the quotation here, "General Pancke then explains that was the organization of the terroristic groups."

H0053-0068

I must now point out that the Danish police were also ordered to arrest Dr. Best, the German Plenipotentiary. Among his papers they found the diary of Dr. Best. This diary has one leaf of the 30th of December, 1943, which agrees with the information of a preceding testimony, as to the meeting held the 30th of December, 1943 at the house of the Fuehrer, page 21.

"Noon. In the teahouse of the Fuehrer. Lunch with Adolph Hitler, Himmler, Reichsfuehrer, Dr. Kaltenbrunner, SS Obergruppenfuehrer, M. Pancke, SS Gruppenfuehrer, Fieldmarshal Keitel, General Jodl, General von Hannecken, Lt. General Schmudt, Brigade Lieutenant Scherff. Discussions pertaining to Danish questions lasted from 1400 hours until 1630 hours." Dr. Best was naturally interrogated concerning the subject.

From official Danish documents in the extract, which are found in page 23 of my document, Dr. Best first made the note on the calendar of the 30th of December which I have just cited; that is, to follow the fundamental part of the questions concerned. Here is what Dr. Best states, at the bottom of page 23.

"Pancke does not remember whether it was Hitler that spoke aboutit. I only mentioned concerning compensatory murders that it should be practiced in the proportion of five to one. Himmler and Kaltenbrunner said to Hitler without the other persons present and Best gives the same enumerations as Pancke, who did not express their opinion."

Page 23: "The Minister of Foreign Affairs was not represented, so that von Hannecken did not participate in this conference. After this conference, Best had a conversation with Ribbentrop, in which he explained what had taken place. Ribbentrop shared his opinion, that it was necessary to protest against such methods but there was really nothing to do about it. It then is proven that the Defendants Kaltenbrunner, Keitel, and Jodl were present at a meeting of different departments, where it was decided that murders, pure and simple murders would be organized in Denmark. Undoubtedly, the witnesses do not say that Keitel and Jodl manifested any enthusiasm at this proposal but it is established that they were there, and they were there in the exercising of their functions as well as their subordinate, the military commander of Denmark. Here it concerns the responsibility for several hundred murders which were abominable but undoubtedly that is only a small part of the crimes which caused so many millions of victims. Nevertheless, I think that is important to learn that the major leaders of the army and diplomacy knew and accepted the

H0053 - 0069

systematic organization of these acts of banditry and of murders committed by professional killers who fled after their crimes.

The documents which I have just cited are the last of this series which I have proposed to present to the Tribunal. I will now make a more general commentary. I think that there was in these numerous Nazi crimes so much monotony and so much variety that the human mind with difficulty contemplates the extent of them, and each of these crimes bears in itself the identity of this common horror and hides the infernal valor of the doctrine which commanded them. If it is exact, at least has any point whatsoever, if there is surrounded within us anything else as "sound and fury" such a doctine must be condemned with the men who incarnated it and who directed it.

THE PRESIDENT: Could you tell us what is proposed for tomorrow?

M. FAURE: Tomorrow, M. Gerthofer will, if it suits the Tribunal, give a statement of the artistic spoiliation. This is a question, when this brief was to have been done, previously it was renounced; they thought that it would be

H0053 - 0070

adequate to simply rely on American documents but after a consultation with our American colleagues, it appeared that the American Prosecution had counted that the French Prosecution would take up their part of the indictment, so if the Tribunal does not object that we come back to the subject now, a statement will be presented in this sense. On the other hand, one of the magistrates for the French delegation, M. Mounier, proposes to present a brief which consists of a recapitulation, a systematic recapitulation of the charges concerning each of the Defendants, according to documents and the briefs which were submitted.

THE PRESIDENT: I think the Tribunal would hope that the expose on the pillage of objects of art will be quite short because it must be cumulative, because you will remember that we had at some stage of the trial presented to us 39 books or 30 or some number of books of objects of art which had been taken away from various parts of Europe and France, and all photographed by the Germans themselves, and therefore any evidence which would now be given would be cumulative to that spoliation.

M. FAURE: That is why I propose and ask the Tribunal to know if it considered it; but at any rate, if the Tribunal considers that the statement can be made, it will be a statement which is very short, about two hours.

DR. THOMA (Attorney for Rosenberg): If I understood the gentleman correctly, there was the question whether tomorrow the artistic spoliation of France would be covered. I would like to add to this statement that the American Prosecution has already declared before this Tribunal that as far as this question is concerned, this question had been covered and should not be taken up again. Then, I, as representing Rosenberg, and my colleague, Dr. Stahmer, as representing Goering, decided not to bring witnesses that we had planned to bring. If, however, the French Prosecution intends to bring new material on this question, then we would have

H0053 - 0071

to get hold of these witnesses once more and summon them. Therefore, I would like to ask that the Tribunal please decide whether it is necessary that the confiscation of art objects in France will be taken up once more.

THE PRESIDENT: I think Defendant's Counsel must be wrong in thinking that the U.S. Counsel said anything which meant that the French Prosecution couldn't produce evidence with reference to the spoliation of objects of art. I can't think the United States had any authority to do that and I had understood myself that this part of the prosecution had been omitted by one of the French Counsel on account of the request of the Tribunal to shorten their argument. Was that not so?

M. FAURE: That is quite true, Mr. President. Your interpretation is exact.

THE PRESIDENT: I think the Tribunal would wish that the presentation should be made if the French Prosecutors wish it, and it should be made as shortly as possible.

M. FAURE: Thank you.

(Whereupon, at 17.25 hours the Hearing of the Tribunal adjourned to reconvene at 10.00 hours on Wednesday, February 6, 1946.)